

Remarks

Claims 1, 2, 4, 5, 6-8, 10, and 11 are pending in this application. Claims 1, 4, 6, and 9-11 have been amended. Claims 3, 5, and 8 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Claims 12-69 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Applicant reserves the right to pursue claims 12-69 in one or more divisional applications. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

At page 2, paragraph 5 of the Office Action, claims 1-3, 8 and 10 are rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,388,688 to Schileru-Key (“Schileru-Key”). Applicant respectfully traverses the rejection.

At page 4, paragraph 7 of the Office Action, claims 4 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schileru-Key in view of U. S. Patent No. 6,496,206 to Mernyk et al. (“Mernyk”). Applicant respectfully traverses the rejection.

At page 5, paragraph 8 of the Office Action, claims 5, 6, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The above rejections under 35 U.S.C. §§ 102(e) and 103(a) are addressed below.

Applicant has cancelled claim 3. Therefore, the rejection with respect thereto is rendered moot.

Applicant has amended claim 1 to include all of the elements recited in claims 5 and 3. As previously stated in the Office Action, claim 5 would be allowable if rewritten in independent form including all of the elements of the base claim (claim 1) and any intervening claim (claim

3). Accordingly, Applicant respectfully submits that claim 1, as amended, and any claims directly or indirectly depending therefrom, are now in condition for allowance.

Applicant has amended claim 6 to include all of the elements recited in claims 1 and 3. As previously stated in the Office Action, claim 6 would be allowable if rewritten in independent form to include all of the elements of the base claim (claim 1) and any intervening claim (claim 3). Accordingly, Applicant respectfully submits that claim 6, as amended, and any claims directly or indirectly depending therefrom, are now in condition for allowance.

Applicant has amended claim 9 to include all of the elements recited in claims 1 and 8. As previously stated in the Office Action, claim 9 would be allowable in rewritten in independent form to include all of the elements of the base claim (claim 1) and any intervening claim (claim 8). Accordingly, Applicant respectfully submits that claim 9, as amended, and any claims directly or indirectly depending therefrom, are now in condition for allowance.

In regard to the obviousness rejection of claims 4 and 11 under 35 U.S.C. § 103(a), Applicant respectfully submits that if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. See MPEP § 2143.03.

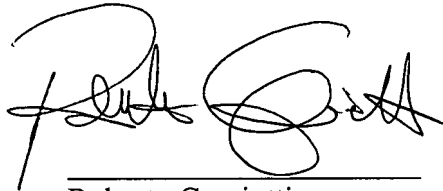
Claim 4 depends from claim 1 and claim 11 depends from claim 9. Both claims 1 and 9, as amended, are in condition for allowance. Therefore, claims 4 and 11 also are in condition for allowance.

Applicant does not otherwise concede, however, the correctness of the rejections made in the Office Action with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A

detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

In view of the above amendments and/or remarks, Applicant respectfully requests withdrawal of the rejections and the issuance of a Notice of Allowance for all claims pending in this application. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 11-1110.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Roberto Capriotti', written over a horizontal line.

Roberto Capriotti
Reg. No. 46,599

Attorney for Applicant

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-6423
Fax: (412) 355-6501
E-Mail: roberto.capriotti@klgates.com

Customer No. 26285